

Justin P. Tschoepe

PARTNER

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Credentials

- The University of Houston Law Center
J.D., *summa cum laude*
Order of the Coif
Order of the Barons
National Order of Scribes
Articles Editor, *Houston Law Review*
- University of Texas
B.A., Government
- Admitted to Practice:
Texas
Pennsylvania

Justin is a business trial lawyer whose practice focuses on litigation involving energy and government contracts, including False Claims Act suits brought by *qui tam* whistleblowers. Representing clients in all phases of dispute resolution, Justin has experience in state and federal courts as well as international and domestic arbitration.

Justin represents energy companies as both plaintiffs and defendants in suits involving breach of contract, fraud, tortious interference, breach of warranty, indemnity disputes, breach of fiduciary duty, property damage, and interference with land use and exploration and production. His clients include upstream, midstream, and downstream energy companies as well as service entities. Justin's False Claims Act experience includes *qui tam* claims brought against energy companies operating in the Gulf of Mexico and other federal lands as well as whistleblower suits against colleges and government contractors.

Justin is recognized with "Rising Star" honors in commercial litigation, energy, and oil & gas law by *Best Lawyers in America* and *Texas Super Lawyers*. He was also selected to the Institute for Energy Law's inaugural Leadership Class for 2018-2019.

Prior to joining the firm, Justin was a partner with McKool Smith.

Justin and his wife, Lauren, have two children

Experience

- Defended multiple oil and gas producers against allegations of underpayment of royalties both under state law and lease obligations, including suits related to deduction of post-production costs, royalty payments for natural gas liquids, and other allegations.
- Obtained arbitration award in favor of client pursuing claims for breach of an EPC agreement related to engineering and construction of a natural gas peaking power plant.
- Secured jury verdict after four-week trial awarding more than \$30 million in case alleging breach of contract and fraud involving DNA verification of Akaushi / Red Wagyu cattle.

- Defended multiple qui tam / False Claims Act suits against offshore exploration and production companies in the Gulf of Mexico alleging fraudulent certification of compliance with federal leases and permits seeking damages of over \$50 billion, obtaining complete dismissal of one case on summary judgment and a voluntary non-suit of another after filing a motion to dismiss.
- Successfully defended client in ICC arbitration over an alleged breach of a consulting contract relating to oil and gas exploration in the Middle East.
Defended offshore oil and gas operator against qui tam / False Claims Act allegations that the company fraudulently underpaid royalties to the federal government by taking transportation deductions for costs related to subsea movements of production and costs related to the building of tension leg platforms in the deep-water Gulf of Mexico.
- Defended trading company in suit alleging breach of a buy/sell provision in a crude oil purchase agreement related to the purchase of crude oil in the Permian Basin and subsequent re-sell of crude on the United States Gulf Coast.
- Defended multiple oil and gas operators in claims brought by landowners in the Marcellus Shale alleging expiration of oil and gas leases due to lack of production or other activity.
- Defended oilfield services company against claims that it breached various implied warranties and negligently supervised the installation of equipment that resulted in a downhole leak during a hydraulic fracturing operation.
- Obtained de-certification order in class action proceedings alleging breach of obligations to pay lease bonuses to oil and gas lessors.
- Defended private college against qui tam / false claims act allegations that it fraudulently procured a government loan and subsequently misused federal loan funds for non-approved purposes.
- Defended oil and gas producers in suits alleging property damage related to various aspects of oil and gas production activity, including hydraulic fracturing and injection wells.
- Obtained summary judgment in suit involving cross-claims of indemnity between parties to a purchase and sale agreement over an alleged breach of a preferential rights provision in a model joint operating agreement.
- Defended oilfield services company against claims of breach of fiduciary duty, aiding and abetting breaches of fiduciary duty, conspiracy, and tortious interference related to an alleged hostile takeover of a foreign subsidiary.
- Defended the purchaser of oil and gas producing properties against allegations that it tortiously interfered with a right of first offer provision in a joint operating agreement.
- Obtained summary judgment dismissing breach of contract and fraud allegations relating to an agreement to make payments in lieu of taxes to local taxing entities for a refinery operating in a foreign trade zone.
- Represented multiple oil and gas operators in suits involving interference with exploration and production activity from surface owners.

- Represented oil and gas operator in claim for breach of contract related to the provision of security services in the Kurdistan Region of Iraq.
- Represented numerous companies in suits alleging failure to comply with various provisions of joint operating agreements by both operators and non-operators.

Professional Honors & Affiliations

- *Lawdragon*, “2024 Lawdragon 500 Leading Litigators in America”
- “One to Watch” by *Best Lawyers in America* in Commercial Litigation and Energy Law, 2021-2024; Oil & Gas Law, 2022-2024
- “Texas Rising Star,” in Energy & Natural Resources by Thomson Reuters’ *Super Lawyers*, 2017-2024
- Member: Institute for Energy Law Inaugural Leadership Class, 2018-2019
- Former Co-Chair: Houston Young Lawyers Association Energy Counsel Committee
- Member: University of Houston Law Center Young Alumni Committee
- Member: University of Texas System Chancellor’s Centurions
- Member: Kappa Alpha Omicron Educational Foundation Housing Board

Presentations & Publications

- “The False Claims Act for Energy Lawyers,” TJOCEL Symposium, February 2022 (co-presenter)
- “Oil & Gas Companies Face Broader Exposure to FCA Liability Under COVID Stimulus Programs,” *Energy Law Advisor*, September 14, 2020 (co-author)
- “DOJ Policy Changes Regarding Cooperation of Business Entities and Pursuit of Individual Defendants,” *Fulbright Briefing*, February 2019 (co-author)
- “The Current State of Renewable Energy Disputes,” Parts 1-4, *Law360*, April 2017 (co-author)
- “Supreme Court Endorses ‘Implied Certification’ FCA Claims,” *Fulbright Briefing*, June 17, 2016 (co-author)
- “Look to Pa. Case on Standard of Liability For Fracking,” *Law360*, March 30, 2015 (co-author)
- “Supreme Court Prevents Class Plaintiffs from Stipulating Around Federal CAFA Jurisdiction,” *Fulbright Briefing*, March 21, 2013
- “A Fraud Against One is Apparently a Fraud Against All: The Fraud Enforcement and Recovery Act’s Unprecedented Expansion of Liability Under the False Claims Act,” 47 Hous. L. Rev. 741, 2010